

EXHIBIT 1DATE 2-2-2011

HB _____

LC103

ROOSEVELT COUNTY
CLERK OF COURT
TIME FILED

APR 28 2010

PATRICIA A. STENNES

DEPUTY CLERK

1 DAVID CYBULSKI
2 District Judge
3 Fifteenth Judicial District
4 P.O. Box 187
5 Plentywood, MT 592546 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, ROOSEVELT COUNTY
7 *****

8 STATE OF MONTANA,

9 Plaintiff/Appellee,

10 vs.

11 JAMES ROGER MILLER,

No. DV-10-5

12 Defendant/Appellant.
13 *****14 ORDER
15 *****16 In this matter it is undisputed that the axle in question pivots at the hub to allow the wheel
17 to follow the travel of the truck.18 Although neither party has addressed this, common sense tells the court that steering axles
19 are allowed to carry greater weight because their pivoting action allows the tire to move when the
20 truck turns, reducing the tire scrubbing on the road surface and, consequently, the damage to the
21 road. This would make it a steering axle.

22 Defendant's motion regarding the definition of a steering axle is granted.

23 DATED This 28th day of April, 2010.

24 CERTIFICATE OF SERVICE

25 This is to certify that the foregoing was duly served by David Cybulski
26 Mail ☒ Email ☒ Fax _____ District Judge
27 on parties or Attorneys of record at their address or addresses
this 28th day of April, 2010.28 PATRICIA A. STENNES
Clerk of District Court
Wolf Point, MT 59201Rusche - Reum - email
Jackson-HS-mail

EVAN ROBINSON

801-560-1526

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